

Notice of Allowability

Application No.

09/889,010

Examiner

Gordon J Stock

Applicant(s)

IBSEN ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 1, 2003.
2. ☒ The allowed claim(s) is/are 51-94.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

1. The after final amendment of December 1, 2003 has been entered.

Response to Arguments

2. Applicant's arguments, see Remarks pages 9-14, filed December 1, 2003, with respect to the rejection of claim 89 under 35 U.S.C. 103(a) and an objection to claim 91 have been fully considered and are persuasive. Therefore, due to the persuasiveness of the arguments and to the amendment of the claims the previous rejection of claim 89 and the previous objections of the claims have been withdrawn.

Priority

3. Examiner agrees with remarks on page 9-10 filed on December 1, 2003 in regards to the copy of the foreign priority document from the International Bureau. Secondly, the Notification of Missing Requirements under 35 U.S.C. 371 in the DO/EO/US mailed October 1, 2001 states that the priority document had been submitted.

Allowable Subject Matter

4. **Claims 51-94** are allowed.

The following is an examiner's statement of reasons for allowance:

As to **claim 51**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in an apparatus for measuring spectral information of light from at least one object "at least a first back reflecting surface for reflecting light received from the at least one entrance aperture to the at least one front reflecting surface" and "the first diffractive element being arranged to disperse diverging light received from the at least one entrance aperture," in combination with the rest of the limitations of **claims 51-87**.

As to **claim 88**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in an apparatus for measuring spectral information of light from at least one object “at least a first back reflecting surface for reflecting light received from the at least one input means to the at least one front reflecting surface” and “the first diffractive means being arranged to disperse diverging light received from the at least one input means,” in combination with the rest of the limitations of **claim 88**.

As to **claim 89**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method of measuring spectral information of light from an object “propagating divergent signal light from the entrance aperture to a diffractive element on a second side of the transparent body; diffracting the divergent signal light with the diffractive element into divergent separated wavelength components; reflectively focusing the divergent, separated wavelength components to an exit face using a focusing reflector on the transparent body” in combination with the rest of the limitations of **claims 89-94**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Fax/Telephone Numbers

If the applicant wishes to send a fax dealing with either a proposed amendment or a discussion with a phone interview, then the fax should:

1) Contain either a statement “DRAFT” or “PROPOSED AMENDMENT” on the fax cover sheet; and

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2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.


Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is: (703) 872-9306

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J. Stock whose telephone number is (703) 305-4787. The examiner can normally be reached on Monday-Friday, 10:00 a.m. - 6:30 p.m.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


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December 8, 2003


Zandra V. Smith
Primary Examiner
Art Unit 2877